

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1577 OF 2005

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Ramesh Manikraj Singh ...Applicant

v/s.

The State of Maharashtra ...Respondent

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Mr.Amin Solkar for the Applicant.

Mr.K.V.Saste, APP for the State.

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CORAM: A.M.KHANWILKAR, J.

DATED: 4TH APRIL, 2005

P.C.:

1. Heard counsel for the parties. The Applicant apprehends arrest in connection with offence registered as C.R.No.37 of 2004 with Kagal Police Station, Kolhapur for the offence punishable under Section 285 of IPC and under Sections 3 & 7 of the Essential Commodities Act and Sections 3 & 4 of Petroleum Products Act. During the pendency of this Application, the Applicant was directed to report to the concerned police station by orders dated 9th March, 2005 and 21st March, 2005. Affidavit of Jayant Kondiba Dhamal, Assistant Police Inspector attached to Kagal Police Station sworn on 28th March, 2005 was filed stating that the Applicant has not complied with the directions passed by this Court.

2. This fact was controverted by the Applicant by filing an affidavit sworn on 28th March, 2005 giving details that the Applicant has visited the concerned police station on particular dates and that he was asked to leave without interrogation. In my order dated 28th March, 2005, I had observed that the correctness of the stand of the rival parties will be examined at the time of passing final order on this application.

3. Today, the learned APP submits that the Applicant has reported to the concerned police station in terms of the directions passed in order dated 28th March, 2005 and has Co.operated in all respect. This statement is made on instructions of Mr.A.G.Gondhali, Head Constable.

4. Taking overall view of the matter, I have no reason to doubt the correctness of the statement made by the Applicant, for a simple reason that no prudent person who has been named as accused in the criminal case will take the risk of not complying with the directions given by the Court, as condition for granting interim protection in the anticipatory bail application filed by him. Moreover, the affidavit filed by the Applicant is very specific and clear.

5. The learned APP submits that the Applicant has been fully interrogated and the custodial interrogation is no more necessary. All the relevant record has been seized by the police during the course of investigation. The learned APP, therefore, submits that the Applicant be granted anticipatory bail on condition that he shall make him available as and when required by the concerned police station.

Accordingly, this application is allowed on the following conditions:

(i) The Applicant is granted anticipatory bail in connection with C.R. No.37 of 2004 registered with Kagal Police Station on executing personal bond in the sum of Rs. 25,000/- (Rupees Twentyfive thousand) with two local sureties in the like amount.

(ii) The Applicant shall not influence the prosecution witnesses and/or tamper with the evidence in any manner whatsoever.

(iii) The Applicant shall report to the concerned police station as and when called upon for the purpose of investigation of the present case.

(iv) This order will enure in favour of the Applicant till the filing of the charge-sheet.

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